

Message Text

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AMEMBASSY LONDON

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AMEMBASSY PARIS

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AMEMBASSY ROME

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SUBJ: PACT NEGOTIATIONS: POSITIONS AND PROBLEMS

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SUMMARY: NEGOTIATIONS ON REVISION OF AFM-PARTIES PACT BEGIN
JAN 21 WITH DEMOCRATIC PARTIES AND REVOLUTIONARY COUNCIL POSITIONS
FAR APART ON SUCH KEY ISSUES AS NATURE AND POWERS OF REVOLUTIONARY
COUNCIL AND PRESIDENCY. OUTCOME IS FAR FROM CERTAIN ON EVE OF
FIRST DAY OF NEGOTIATIONS. END SUMMARY.

1. NEGOTIATIONS JAN 21: REPRESENTATIVES OF REVOLUTIONARY
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COUNCIL (RC) AND POLITICAL PARTIES WILL BEGIN MEETING JAN 21

TO DISCUSS RC'S COUNTER-PROPOSAL TO PARTIES' OWN DRAFTS ON REVISION OF AFM-PARTIES CONSTITUTIONAL PACT. MEETINGS ARE SCHEDULED IN ORDER OF PARTY VOTE IN 1975 ELECTIONS, WITH SOCIALISTS LEADING OFF.

2. MAJOR DISAGREEMENT EXISTS BETWEEN RC AND DEMOCRATIC PARTIES' PROPOSALS. PARTIES' PRIMARY CONCERN FOCUSES ON RC PROVISIONS FOR CONTINUED STRONG INSTITUTIONAL ROLE FOR COUNCIL. SPECIFIC OBJECTIONS RELATE TO FOLLOWING RC PROPOSALS:

3. RC ROLE: RC COUNTER-PROPOSAL WOULD MAKE REVOLUTIONARY COUNCIL A DECISION-MAKING BODY IN ITW OWN RIGHT. PARTY PROPOSALS ENVISION PRIMARILY CONSULTATIVE BODY. SOCIALISTS (PS) WOULD REQUIRE PRESIDENT TO CONSULT RC ONLY ON CERTAIN WELL DEFINED MATTERS. POPULAR DEMOCRATS (PPD) HAVE PROPOSED SUBSTITUTION OF RC BY "COUNCIL OF REPUBLIC" COMPOSED OF BOTH MILITARY AND CIVILIANS, WHICH WOULD HAVE TO BE CONSULTED BY PRESIDENT ONLY ON SUCH MAJOR ISSUES AS DECLARATION OF WAR OR SIEGE. FOR SOCIAL DEMOCRATIC CENTER PARTY (CDS), RC SHOULD BE REPLACED BY PURELY CONSULTATIVE "COUNCIL OF STATE."

4. RC POWERS: POWERS ASCRIBED TO REVOLUTIONARY COUNCIL UNDER RC PROPOSAL GO FAR BEYOND WHAT PARTIES FEEL IS APPROPRIATE. RC DRAFT WOULD ALLOW COUNCIL TO:

(A) RETAIN VETO POWER OVER NOMINATION OF PRIME MINISTER. SOCIALISTS AND PPD BOTH FAVOR SHARP LIMITATION OF RC'S AUTHORITY TO INTERPRET CONSTITUTION, AND FAVOR CONSULTATION, BUT NOT VETO, FOR RC ON IMPORTANT QUESTION SUCH AS NOMINATION OF PRIME MINISTER;

(B) RULE ON CONSTITUTIONAL QUESTIONS ARISING IN COURTS;

(C) DECREE "NECESSARY MEASURES" TO GUARANTEE ENFORCEMENT OF CONSTITUTION IF ASSEMBLY FAILS TO ACT;

(D) REVIEW CONSTITUTIONALITY OF BILLS PRIOR TO THEIR PROMULGATION BY PRESIDENT;

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(E) VETO BILLS DEALING WITH GENERAL ECONOMIC, SOCIAL, AND FINANCIAL POLICY; LIMITS OF PRIVATE, STATE, AND COLLECTIVE SECTORS; FOREIGN RELATIONS; AND REGULATIONS AFFECTING RIGHT OF ASSOCIATION FOR POLITICAL OR OTHER ENDS;

(F) RETAIN CONTROL OVER AMENDMENTS OR ALTERATION TO CONSTITUTION WHILE NEW PACT REMAINED IN EFFECT.

5. PRESIDENCY: ALL DEMOCRATIC PARTIES BELIEVE RC PROPOSAL WOULD MAKE PRESIDENT MESSENGER BOY OF RC, BY FORCING HIM TO OBTAIN COUNCIL APPROVAL ON VIRTUALLY ANY ISSUE OF SIGNIFICANCE. SOCIALISTS HOLD THAT ONLY CONSTITUENT ASSEMBLY SHOULD HAVE AUTHORITY FOR LIMITING POWERS OF PRESIDENT.

6. COMMENT: OUTCOME OF NEGOTIATIONS WILL DEPEND TO GREAT EXTENT ON UNITY EACH SIDE IS ABLE TO DEVELOP. SO FAR, NEITHER PARTIES NOR MILITARY HAS SHOWN COMPLETE COHESION. PARTIES ARE SQUABBLING AND MILITARY IS DIVIDED BETWEEN "POLITICALS" AND "OPERATIONALS." RC'S JANUARY 19 COMMENT ON "DANGEROUS FRICTION" BETWEEN PARTIES (REF C) SUGGESTS THAT "OPERATIONALS" AND "POLITICALS" COULD BE CLOSER THAN HAD BEEN THOUGHT IN DESIRE TO STAY IN POLITICAL PROCESS, ALBEIT FOR DIFFERENT REASONS. ON OTHER HAND, EMBASSY UNDERSTANDS THAT RC OPERATIONALS WERE ENCOURAGING PARTIES TO ATTACK THE COUNTER-PROPOSAL, WHICH OPERATIONALS CLAIMED HAD NOT RECEIVED THEIR BLESSING BEFORE BEING PUT FORWARD BY ANTUNES AND HIS SUPPORTERS.

7. ON EVE OF FIRST DAY OF NEGOTIATIONS, OUTCOME IS FAR FROM CERTAIN. WHAT IS CERTAIN IS THAT NON-COMMUNIST PARTIES STRONGLY OPPOSE THIS COUNTER-PROPOSAL OF THE COUNCIL, WHATEVER ITS ORIGIN. WHETHER PARTIES PREVAIL WILL DEPEND UPON SUPPORT THEY CAN MUSTER FROM MILITARY OPERATIONALS. CARLUCCI

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